

## REMARKS/ARGUMENTS

The arguments and amendments submitted herein include the patentability arguments and amendments Applicants discussed with the Examiner during the phone interview on February 13, 2007. Applicants submit that the amendments and arguments presented herein make the substance of the phone interview of record to comply with 37 CFR 1.133. If the Examiner believes that further information on the interview needs to be made of record to comply with the requirements, Applicants request the Examiner to identify such further information.

1. Claims 1-42 are Patentable Over the Cited Art

The Examiner rejected claims 1-42 as anticipated (35 U.S.C. §102(e)) by Barnard (U.S. Patent No. 6,687,677). Applicants traverse.

Amended independent claims 1, 15, and 29 concern assigning a work item for one of a plurality of nodes in a workflow to at least one of a plurality of users capable of performing workflow related operations at the nodes, and require: processing a node in a current workflow, wherein a current work item is associated with the processed node; processing an access list indicating users capable of being assigned the current work item; determining from the access list at least one user capable of being assigned the current work item; for each determined user, determining a number of work items other than the current work item assigned to the user in the current workflow and in a workflow other than the current workflow; selecting using a load balancing technique that considers the number of work items assigned to the at least one determined user on the access list in the current and the other workflows to select at least one determined user based on the determined number of work items assigned to the determined users; and assigning the current work item to the at least one selected determined user.

Applicants amended these claims to add the requirement that a load balancing technique is used that considers the number of work items assigned to the at least one determined user on the access list in the current and the other workflows to select. Applicants further clarified that the current work item is assigned to the at least one selected determined user. These added requirements are disclosed in at least paras. [0048]-[0060] and FIGs. 7, 8a, 8b of the Specification.

During the phone interview, the Examiner said that the above amendments appear to distinguish over the cited art and that the Examiner would update his search. Applicants traverse the rejections of these claims with respect to the amended claims for the following reasons.

Barnard concerns a system for deploying a procurement and accounts payable application having a server, team terminals and communication links. The server is operable to maintain a database of templates and to serve the templates to team members at the terminals to coordinate, record and track team activities. (Barnard, col. 2, line 63 to col. 3, line 5)

The Examiner found that the cited col. 19, lines 11-17 disclosed the pre-amended claim requirements of determining, for each user determined from an access list that is capable of being assigned the current work item, a number of work items other than the current work item assigned to the user in the current workflow in the current workflow and in workflows other than the current workflow and selecting at least one determined user based on the determined number of work items assigned to the determined users. (Final Office Action, pg. 3) Applicants traverse with respect to the amended claims.

Barnard discusses an assessment of a client's general procurement and accounts payable process to define an integrated customer solution. (Barnard, col. 16, lines 60-65). Barnard further discusses a project design and development phase that documents in database templates referred to as a Playbook, the business controls, transformation management, etc. Business controls provides a comprehensive process that identifies key control points and establishes detailed procedures to assure a quality installation. (Barnard, col. 18, lines 63-66) The deliverables of this process include separation of duties.

The cited col. 19, lines 11-17 describes the "separation of duties" as:

(2) Separation of duties: the duties of the programmer, computer operations, and user groups are reviewed to ensure that separation of duties problems do not exist. No one individual can control activities within a process (or any event in a string of events) in a way that permits errors of omission, or commission of fraud, theft, etc., to go undetected.

Thus, the cited col. 19 discusses determining the duties and activities of those involved in the analyzed and modeled business processes. Although the cited col. 19 discusses looking at the duties of workers, nowhere does the cited col. 19 anywhere disclose the claim requirements of processing an access list to determine users capable of being assigned the current work item

and then determining the number of work items assigned to each user (indicated in an access list) in the current and another workflow. Moreover, nowhere does the cited col. 19 disclose the added claim requirement of using a load balancing technique that considers the number of work items assigned to the at least one determined user on the access list in the current and the other workflows to select at least one determined user based on the determined number of work items assigned to the determined users.

In the cited col. 19, there is no disclosure of using load balancing that considers work items assigned to the user in different workflows as claimed. Instead, the cited col. 19 discusses considering and reviewing the duties of the programmer and user groups to ensure that separation of duties problems do not exist.

Moreover, the cited “separation of duties” is not concerned with the claim requirement of using load balancing, but is instead concerned with controlling activities within a process to prevent errors and fraud from going undetected. Nowhere do the cited reasons for reviewing the “separation of duties” anywhere disclose or mention the specific claimed operation of using load balancing that considers the number of work items assigned to the at least one determined user on the access list in the current and the other workflows.

The Examiner cited col. 3, lines 10-14 of Barnard with respect to the pre-amended claim requirement of selecting at least one determined user (Final Office Action, pg. 3), which now recites using the load balancing technique. Applicants traverse with respect to the amended claim.

The cited col. 3 mentions user terminals to access via a server the database for coordinating tasks by enterprise teams implementing the procedures, the tasks including quality review, project management, and transition management.

Nowhere does the cited col. 3 anywhere disclose using a load balancing technique that considers number of work items assigned to users in the current and other workflows. Instead, the cited col. 3 discusses how enterprise teams may use terminals to implement procedures. There is no disclosure or mention of the claim requirement of using a load balancing technique to select a user based on the determined number of work items assigned to users in the current and other workflows.

In the Response to Arguments, the Examiner commented that the pre-amended claims did not recite the load balancing distinction Applicants argued over the cited Barnard. (Final Office

Action, pgs. 5-6). Applicants amended the claims to recite load balancing, as discussed during the phone interview, to address the point made by the Examiner and further distinguish over the cited art.

Accordingly, amended claims 1, 15, and 29 are patentable over the cited art because the cited Barnard does not disclose all the claim requirements.

Claims 2-5, 16-19, and 30-33 are patentable over the cited art because they depend from one of claims 1, 15, and 29, which are patentable over the cited art for the reasons discussed above. Moreover, the following dependent claims provide additional grounds of patentability over the cited art.

Claims 2, 16, and 30 depend from claims 1, 15, and 29 and further require that the determined number of work items assigned to each user includes active work items assigned to the user in workflows other than the current workflow.

The Examiner cited col. 5, lines 4-25 of Barnard as disclosing these claim requirements. (Final Office Action, pg. 3) Applicants traverse.

The cited col. 5 mentions that procedures and methods are provided for integrating all aspects of a general procurement and accounts payable (GP/AP) system, including creating an electronic purchase for goods and services, a web enabled delivery system, auditing service provider activities without being on site, etc. Some of the tasks implemented in the system include business controls, information technology, process, testing, etc. Each of these summary tasks may be accessed by team members and server providers within the Playbook database.

The cited col. 5 mentions how team members may access tasks that are part of a GP/AP system. However, nowhere does this cited col. 5 anywhere disclose that the determined number of work items assigned to each user includes active work items assigned to the user in workflows other than the current workflow. In other words, nowhere does the cited col. 5 anywhere disclose that the current work item is allocated to users based on the work items assigned to the user in workflows other than the current workflow. In fact, Applicants submit that the specific details of claim 2 concerning that work items assigned to each user including active work items assigned to the user in workflows other than the current workflow are nowhere mentioned in the cited col. 5.

Accordingly, claims 2, 16, and 30 provide additional grounds of patentability over the cited art.

Claims 3, 17, and 30 depend from claims 2, 16, and 30 and further require that the determined number of work items further include active work items assigned to the user in the current workflow other than the current work item. The Examiner cited the same section of Barnard cited with respect to claims 2, 16, and 30. (Final Office Action, pg. 3)

Applicants submit that nowhere does the cited col. 5 disclose that the determined number of work items used to select one user includes active work items assigned to the user in the current workflow. There is no disclosure or mention in the cited cols. 5 of this requirement that resource allocation consider the number of active work items assigned to the user in the current workflow.

Accordingly, claims 3, 17, and 31 provide additional grounds of patentability over the cited art.

Claims 5, 19, and 33 depend from claims 1, 15, and 29 and further require that determining the number of work items assigned to each user further comprises determining work items for which the user has exclusive access and determining work items that are not owned by another user and that are associated with an access list that includes the user.

The Examiner cited col. 22, lines 24-35 of Barnard as disclosing the additional requirements of these claims. (Final Office Action, pg. 4) Applicants traverse.

The cited col. 22 discusses a project support stage that enables project teams, which have responsibilities with the client, to provide ongoing support. The teams are integrated through the use of transition management systems and methods. Each of these areas has specific predetermined plans, actions and responsibilities, and these are audited and tracked through a GP/AP development and deployment system.

Nowhere does the cited col. 22 anywhere disclose the claim requirement that determining the work items assigned to a user involves determining the work items for which the user has exclusive access and work items that are not owned by another user. In fact, nowhere in the cited col. 22 is there any disclosure or mention of exclusive access with respect to work items, nor determining work items not owned by users. Instead, the cited col. 22 discusses a project support stage which does not mention or concern the claim requirement of determining work items for which the user has exclusive access when selecting one user based on the number of work items assigned to the user as part of a load balancing technique.

Accordingly, claims 5, 19, and 33 provide additional grounds of patentability over the cited art.

Amended claims 6, 20, and 34 depend from claims 1, 15, and 29 and further require that using the load balancing technique to select to at least one determined user based on the determined number of work items assigned to the determined users further comprises: for each work item assigned to the user, determining a priority related to the work item; for each user, calculating an index based on each priority related to each work item assigned to the user; and using the index to select one user to assign the new work item.

Applicants amended these claims to clarify that the additional requirements are further operations of using the load balancing technique.

The Examiner cited col. 19, lines 11-17 and col. 22, lines 24-35 of Barnard as disclosing the additional requirements of these claims. (Final Office Action, pg. 4) Applicants traverse.

As discussed, the cited col. 19 discusses an assessment process that considers the separation of duties and user groups to ensure that separation of duties problems do not exist so that no one individual can control activities within a process in a way that permits errors of omission, fraud, theft, etc. The cited col. 22 discusses how project teams may provide ongoing support.

Nowhere do these cited cols. 19 and 22 disclose or mention the specific claimed requirements that using a load balancing technique comprises calculating an index for each user based on priority related to each work item assigned to the user. In fact, there is no mention of load balancing by using indexes or calculating an index based on the priority related to each work item assigned to a user. Thus, the cited cols. 19 and 22 nowhere disclose or even mention the claim requirement of determining the priority of the work items assigned to the user and then calculating an index based on the priority of each work item as part of the load balancing operation to select at least one determined user.

Accordingly, claims 6, 20, and 34 provide additional grounds of patentability over the cited art because their additional requirements are not taught or suggested in the cited Barnard.

Claims 7-14, 21-28, and 35-42 depend from intervening claims 6, 20, and 34 and provide further requirements on the use of priority as part of the load balancing technique. Applicants submit that these dependent claims provide further grounds of patentability over the cited art

because the cited Barnard nowhere teaches or suggests using the priority of work items assigned to a user when selecting one user to assign to the current work item.

Moreover, the Examiner has not cited any part of Barnard that discloses the claim requirements concerning determining priorities related to work items and then calculating, for each user, an index based on work items assigned to a user as part of determining the work load of users for use in selecting one user to which to assign a work item.

### Conclusion

For all the above reasons, Applicant submits that the pending claims 1-42 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0460.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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